

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MICHAEL JONES,)	
)	
Plaintiff,)	
)	Case No. 4:21-CV-00137
v.)	
)	
CITY OF ST. LOUIS, <i>et al.</i> ,)	
)	
Defendants.)	
)	

DEFENDANTS' MOTION TO DISMISS

COME NOW Defendants City of St. Louis, Jeff Carson, Michael Guzy, Charlene Deeken, and Dale Glass (“Defendants”), through counsel, and move this Court to dismiss this action against them for failure to state a claim upon which relief can be granted under Federal Rule of Civil Procedure 12(b)(6). In support, Defendants state the following:

1. Plaintiff alleges that in August 2013 he was charged in St. Louis City with one felony and one misdemeanor. Doc. 1 ¶ 13. He was held at the St. Louis Medium Security Institution (“MSI”) pending trial. *Id.* ¶ 14. On November 26, 2013, Plaintiff’s case was dismissed. *Id.* ¶ 16. Plaintiff alleges he remained wrongfully incarcerated for an additional eight months at MSI after his charges were dismissed. *Id.* ¶¶ 16-18. Plaintiff was released from custody on or after July 24, 2014. *Id.* ¶ 18.
2. In this action, Plaintiff brings this ten-count Complaint seeking damages as a result from his eight-month period of incarceration during which there were no charges pending against him. He also seeks damages for having been subjected to alleged “unsanitary” and other “poor conditions” during his confinement, including mold,

outbreaks of scabies and lice, asbestos insulation, bug and animal infestations, and unsafe temperature regulation. Id. ¶¶ 21-25.

3. Specifically, Plaintiff brings three claims against individual Defendants under § 1983 (Counts I, II, III), six claims against all Defendants, including City, under § 1983 (V, VI, VII, VIII, IX, X), and one state law claim against individual Defendants for false imprisonment (Count IV).

4. Defendants now move to dismiss all Plaintiff's claims against them because: 1) Plaintiff's claims are barred by the applicable statute of limitations; 2) Plaintiff's § 1983 claims against the individual Defendants fail as a matter of law; 3) Plaintiff's Complaint fails to state a claim for relief against City under § 1983; and 4) Plaintiff's Complaint fails to state a claim for false imprisonment under Missouri law.

5. Defendants submit herewith a memorandum in support of their motion, which sets out the relevant arguments and citations to authority on which Defendants rely.

WHEREFORE, Defendants City of St. Louis, Jeff Carson, Michael Guzy, Charlene Deeken, and Dale Glass pray the Court grant their Motion to Dismiss for Failure to State a Claim with prejudice, and for any further relief the Court deems just and reasonable.

Respectfully submitted,

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Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was filed on April 12, 2021, and served via the Court's electronic filing system upon all counsel of record.

/s/ Abby Duncan
Abby Duncan
Associate City Counselor